

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	Criminal No. 8:24-MJ-522 (DJS)
)	
v.)	Stipulation and Order
)	for Enlargement of Time
ANDREW CASH)	
)	
)	
Defendant.)	

STIPULATION

The United States of America, by and through its counsel of record, the United States Attorney for the Northern District of New York, and the defendant, Andrew Cash, by and through counsel, Julie A. Nociolo hereby agree and stipulate that the time within which an indictment must be filed under Title 18, United States Code, Section 3161(b), be enlarged to and including thirty (30) days from the date of the signing of this Order and that such time be excluded, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b).

- 1) The chronology of this case is as follows:
 - a) Date of complaint: November 8, 2024
 - b) Date of initial appearance: November 8, 2024
 - c) Defendant custody status: Remanded
 - d) Date United States moved for detention: November 8, 2024
 - e) Date of detention hearing: November 14, 2024 and December 12, 2024
 - f) Date detention decision issued: November 14, 2024 and December 16, 2024

- g) Earlier enlargements of time and exclusions under the Speedy Trial Act:
 - i) Order dated 11/18/2024, excluding period from 11/18/2024 until 12/18/2024;
 - ii) Order dated 12/17/2024, excluding period from 12/17/2024 until 1/16/2025.
- 2) The United States and/or the defendant request this exclusion based on the following facts and circumstances: The parties have reached a plea agreement, and the change of plea hearing is scheduled for January 23, 2025 before the Hon. Mae A. D'Agostino.
- 3) The parties stipulate and agree that the ends of justice served by granting this extension outweigh the best interest of the public and the defendant in a speedy indictment and trial because a plea agreement has been reached in this matter.
- 4) The parties stipulate and agree that a period of thirty (30) days, from the date of the signing of this Order, shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B).

The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: January 10, 2025

CARLA B. FREEDMAN
United States Attorney

By: /s/ Justin Bennett
Justin Bennett
Assistant United States Attorney
Bar Roll No. 705879

/s/ Julie Nociolo
Julie A. Nociolo Esq.
Attorney for Andrew Cash
Bar Roll No. 519914

ORDER

A. The Court adopts the stipulated facts set out above as findings and hereby incorporates them into this Order.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether an extension of time within which the government must file an information or indictment serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that, pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant(s) in a speedy indictment and trial because: this delay is necessary in order to allow the United States reasonable time following the arrest of the defendant for effective preparation for the return and filing of an indictment, taking into account the exercise of due diligence.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS, IT IS HEREBY ORDERED that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged to and including thirty (30) days from the date of this Order, and that time be excluded pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), because the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial for the reasons stipulated above.

IT IS SO ORDERED.

Dated and entered this _____ day of January, 2025.

Hon. Daniel J. Stewart
U.S. Magistrate Judge